

EXHIBIT B



Piney Point Village, Texas Code of Ordinances Sec. 74-1

CODE OF ORDINANCES City of PINEY POINT VILLAGE, TEXAS Codified through Ordinance No. 2022.02.28, enacted February 28, 2022. (Supp. No. 9)

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§ Sec. 74-1 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The term "used for" shall include the meaning of the terms "designed for" or "intended for." The word "shall" is mandatory, not directive.

Accessory building, church, means any building not more than 35 feet in height that is auxiliary or incidental to or utilized in connection with the maintenance or operation of a church, and that is used for purposes otherwise within the definition of an accessory use, including, without limitation, buildings for religious instruction and/or administrative purposes, chapel buildings, recreational buildings and cafeteria buildings, but shall not include dormitories of any kind for any purpose; however, any such accessory building shall be located on the same tract as the main building or sanctuary.

Accessory building, residential means a detached subordinate building, that is not used for business, commercial or industrial purposes; which building is not rented; the use of the building is clearly an accessory use and such use is only incidental to that of the principal or main residential building and to the use of the land for residential purposes, provided that such accessory building is located on the same lot or tract as the principal or main residential building, and provided further that no portion of the structure comprising the accessory building may be connected to any portion of the structure comprising any part of the main or principal residential building other than a covered walkway not exceeding four feet in width. Provided further, any building or projection thereof located within five feet of the principal or main building or any projection thereof other than a covered walkway not exceeding four feet in width shall be deemed to constitute a portion of such principal or main building. An accessory building may not contain any kitchen facilities (which term shall include, without limitation, dishwashers and cooking facilities such as stoves, ovens, cooktops and barbeque pits) unless such kitchen facilities are open-air facilities. As used herein, "open air facilities" means that (a) any walls or other enclosures surrounding the facilities shall not cover or otherwise obstruct more than 270 degrees of a horizontal cross section surrounding the facility or facilities (as measured from a point directly in front of each kitchen facility), and (b) the remaining 90 degrees shall have an unobstructed floor to ceiling view and access to the outdoors.

Accessory building, school, means any building not more than 35 feet in height that is auxiliary or incidental to or used in connection with the maintenance and operation of a school and that is used for purposes otherwise within the definition of an accessory use, including without limitation school buildings, buildings for administrative purposes, recreational buildings, auditorium buildings, and cafeteria buildings, but shall not include dormitories of any kind for any purpose; however, any such building shall be located on the same tract as the main building of such school.

Accessory use means a subordinate use customarily incident to and located on the same lot occupied by the main building or use.

Building means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Building area means the maximum portion of a lot over which structures may be constructed.

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Building, height of, means the vertical distance from the average finished grade of the lot within the main building area to the highest point of the structure.

Building line means a line parallel or approximately parallel to the street line and beyond which buildings or structures may not be erected.

Church means a building and facilities used for the assembly of people for religious worship, instruction and recreation.

Customary home occupation means any occupation, not involving the conduct of a business, customarily carried on in a single-family dwelling as an incidental but not the principal use thereof by a member of the occupant's family residing on the premises, without the help of any assistant or employee; without structural alterations in the building or any of its rooms; without the installation of any machinery or equipment other than that customary to normal household operations; without the use of any sign, display or advertisement of the occupation or the telephone number of the same, person conducting the same, or of the occupant; and which occupation does not include the care of children not belonging to the family, a beauty school, parlor or shop, a doctor's or dentist's office for the treatment of patients, a barbershop, carpenter's shop, electrician's shop, shoeshop, plumber's shop, radio shop, tinner's shop, auto repairing, auto painting, furniture repairing, sign painting, or real estate office, but not limited to those so enumerated; and which occupation is not detrimental or injurious to adjoining properties; and which occupation does not involve the conduct of a school or office; and which occupation does not include the keeping, stabling, pasturing, boarding, or caring for any horse, cattle, dog, cat or other animal belonging to persons other than the occupants of the main building.

Dwelling means any building or portion thereof that is designed for or used for residential purposes.

Dwelling, single-family, means a permanent building designed for and occupied exclusively by one family, but not including any form of temporary or permanent mobile home, trailer or other vehicle, whether on wheels or not.

80% fence shall mean a fence constructed in such a manner that any portion of the fence that exceeds three feet in height contains at least 80 percent unobstructed, open views, comprised of uniformly spaced seven-foot see-through sections, separated by visually solid columns (maximum of two feet in width), and supports for such fence are of visually solid construction uniformly spaced, and such fence contains no wire or chain-link portions.

Family means one or more persons related by blood, adoption or marriage, living together as a single housekeeping unit, exclusive of household servants. A number of persons not exceeding two, living together as a single housekeeping unit though not related by blood, adoption or marriage, shall be deemed to constitute a family.

Garage or carport means an accessory building or part of a main building used or designed for private storage only of motor-driven vehicles used by the occupants of the building to which it is accessory.

Glare shall mean emitted light of such intensity or brightness, directly or indirectly, upon any lot, tract or parcel of land other than that upon which the lighting is situated, that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city.

Lot means a parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a public street or upon a lawfully existing private street.

(1) *Lot, depth of*, means the mean horizontal distance between the front and rear lot lines.

(2) *Lot, width of*, means the mean horizontal distance between the side lot lines.

Lot line shall mean any exterior boundary line of a lot as shown on a subdivision plat, if approved by the applicable governmental authority having jurisdiction, or any exterior boundary line of an unplatted lot.

Nonconforming use, building or yard means a use, building or yard existing legally on June 25, 1984, that by reason of design or use, does not conform with the regulations of the district in which it is situated.

Recreational vehicle shall mean and include any one or more of the following:

(1) Any motor vehicle, as that term is defined in chapter 541, Texas Transportation Code, as amended, that is designed for or used as a camper, motor home, travel trailer, bus, or other similar purpose; or

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- (2) Any trailer, as that term is defined in chapter 541, Texas Transportation Code, as amended, that is designed for or used as a tent trailer, utility trailer, house trailer, vacation trailer, animal trailer, boat trailer, horse trailer, vehicle trailer or other similar purpose; or
- (3) Any boat, jet ski or other item of similar purpose.

School shall mean an institution for the instruction of students in general education.

Sign means any structure, part thereof, or device or inscription located upon, attached to or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee or similar appendage, or permanently affixed to the glass of a window or door, so as to be seen from the outside of the building or structure, and that displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrester, direction, warning or designation of any person, place, commodity, product, service, business, profession, enterprise, industry, activity or any combination thereof. Where the word "sign" is used in this chapter without further modification, the word shall be understood to embrace all regulated signs and replicas.

Stable means an accessory building to a single-family use in which not more than one horse, mule, head of cattle or other domestic animal per acre or major fraction thereof of the premises where the stable is situated, is kept for the private use of the occupants of the main building on such premises and not for hire, remuneration or sale.

Street means a public or private thoroughfare that affords the principal means of access to abutting property.

Street line means the right-of-way line of a street.

Structure shall mean anything constructed or erected that requires location on the ground, or is attached to something having a location on the ground, including but not limited to signs, fences, walls, water fountains, ponds, air-conditioning/heating equipment, swimming pool motors and filters, gazebos, tennis/sports courts, driveways, walkways, poles, and buildings, whether of a temporary or permanent nature.

Structural alterations means any change in the supporting members of a structure, such as but not limited to bearing walls, rafters, joists, columns, beams, girders or poles; or any substantial change in the walls, roof or floors; or any change in the arrangement of rooms; or any addition or alteration to any structure.

Yard means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, other than as specifically permitted by this chapter.

- (1) *Yard, front*, means a yard extending across the front of a lot between the side lot lines and being the horizontal distance between the street line providing access to such lot and the main building other than the usual uncovered steps, sidewalks and driveways.
- (2) *Yard, rear*, means a yard extending across the rear of a lot between the side lot lines and being the horizontal distance between the rear lot line and the main building other than the usual uncovered balconies or uncovered patios. On all lots the rear yard shall be in the rear of the front yard.
- (3) *Yard, side*, means a yard between the main building and the adjacent side line of the lot and extending from the required front yard to the required rear yard, and being the horizontal distance between an adjacent side lot line and the side of the main building.
- (4) *Yard, required*, means the minimum yard area of the lot necessary to comply with the terms of this chapter.

Yard light means any artificially energized light source used to illuminate all or part of a yard or the extension of a building or structure for aesthetic, security, recreational or other purposes.

HISTORY NOTE:

(Ord. No. 647, 2, 6-25-84; Ord. No. 817, 1, 2-9-98; Ord. No. 885, 1, 7, 8-26-02; Ord. No. 935, 1, 8-22-05; Ord. No. , 1, 10-24-16)



Piney Point Village, Texas Code of Ordinances Sec. 74-2

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§ Sec. 74-2 Purpose.

The zoning regulations and district established in this chapter have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants. Such regulations and such district have been designed to lessen congestion on the streets; to secure safety from fire, panic and other dangers; to facilitate adequate provisions of transportation, particularly in times of natural disaster when timely evacuation is critical for the protection of lives; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate adequate provisions of water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration of the character of the city and its suitability for a particular use, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

HISTORY NOTE:

(Ord. No. 647, 1.1, 6-25-84)

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Piney Point Village, Texas Code of Ordinances Sec. 74-121

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§ Sec. 74-121 Purpose.

The purpose of the regulations described in this division is to allow within the city the proper integration of uses that may be suitable only in specific locations.

HISTORY NOTE:

(Ord. No. 647, 8.0, 6-25-84)

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Piney Point Village, Texas Code of Ordinances Sec. 74-213

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§ Sec. 74-213 Churches.

Buildings and structures lawfully existing and used for religious purposes upon the effective date of this division may be continued, expanded and maintained, subject to the following:

- (1) Provisions of this division and any other ordinance pertinent to the development and use of land are observed.
- (2) Parking on the church property is provided at the ratio of one parking space to every three seats in the main sanctuary. Such parking shall be screened from adjoining property by a wall or fence, properly drained and paved in accordance with city specifications.
- (3) Where lighting is provided, it shall be in conformity with section 74-245 (d) herein.
- (4) Accessory buildings will be located on the same tract of land as the main building or sanctuary.
- (5) No structure shall be built or expanded closer than 50 feet from the front property line or 30 feet from the side or rear property line.

HISTORY NOTE:

(Ord. No. 647, 6.2, 6-25-84; Ord. No. 885, 17, 8-26-02)

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Piney Point Village, Texas Code of Ordinances Sec. 74-214

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§ Sec. 74-214 Schools.

Buildings and structures lawfully existing and used for educational purposes upon the effective date of this division may be continued and maintained subject to the following:

- (1) Provisions of this division and any other ordinance pertinent to the development and use of land is observed.
- (2) Parking shall be screened from adjoining property by a wall or fence, properly drained and paved in accordance with city specifications.
- (3) Where lighting is provided, it shall be in conformity with section 74-245 (d) herein.
- (4) Accessory buildings shall be located on the same tract of land as the main building.
- (5) No structure shall be built or expanded closer than 50 feet from the front property line or 30 feet from the side or rear property line.

HISTORY NOTE:

(Ord. No. 885, 17, 8-26-02)

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Piney Point Village, Texas Code of Ordinances Sec. 74-241

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§ Sec. 74-241 Official zoning map.

The official zoning map of the city shall be kept in the office of the city secretary, and one copy shall be maintained in the office of the building official.

- (1) It shall be the duty of the appropriate city official to keep the official zoning map current and the copies thereof by entering on such maps any changes that the city council may from time to time order by amendments to the zoning ordinance and map.
- (2) The city secretary shall affix a certificate identifying the map in his office as the zoning map of the city. He shall likewise officially identify the copies directed to be kept by the planning and zoning commission and in the office of the building official.

HISTORY NOTE:

(Ord. No. 647, 7.0, 6-25-84; Ord. No. 885, 18, 8-26-02)

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Piney Point Village, Texas Code of Ordinances Sec. 74-242

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§ Sec. 74-242 Establishment of districts and boundaries.

For the purposes of this chapter, the city is hereby constituted and placed in one single-family residential district. The location and the boundaries of the district shall be the same as the corporate boundaries of the city.

HISTORY NOTE:

(Ord. No. 647, 3.0, 6-25-84)

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§ Sec. 74-243 Permitted uses and structures.

Buildings or premises shall be used only for the following purposes:

- (1) One single-family dwelling.
- (2) Public schools, public libraries, and other public uses conducted by the city, county, state or federal government; provided however, a city hall shall not be permitted.
- (3) Public parks and public playgrounds.
- (4) Temporary buildings for uses incidental to construction work on the premises, but only so long as is reasonably necessary for such purposes, and not to exceed two years. Such buildings shall be removed upon completion or abandonment of the construction work to which they are incidental.
- (5) Accessory structures, buildings and uses.
 - a. To qualify as accessory structures or uses, tennis courts, including backstops and lighting therefor, must be set back at least ten feet from the nearest lot line; however, no tennis court shall be permitted in any front yard.
 - b. To qualify as accessory structures or uses, swimming pools must be set back at least ten feet from the nearest lot line, with measurements taken from the nearest water edge; however, no swimming pool shall be permitted in any required front yard or within ten feet of the nearest edge of any other street right-of-way.
 - c. To qualify as accessory structures, buildings, or uses, kennels, lofts, stables, or any structure or building of any kind used for the purpose of housing animals or fowl must be set back at least 25 feet from the nearest lot line; however, no kennel, loft or stable shall be permitted in any front yard.
 - d. Water fountains and water walls not exceeding six feet in height, and ponds, shall qualify as accessory structures or uses, and may be located within any required side yard or rear yard not adjacent to a street; provided however, water fountains, water walls, and ponds shall be considered and regulated as "swimming pools" as set forth in subsection (5)b. above if the depth of water exceeds 12 inches or the water surface area exceeds 25 square feet. Notwithstanding the foregoing, ponds existing on the date hereof, which include, without limitation, those located on Mott Lane, Quail Hollow, Shady Grove, Carlton Park, Arrowood Circle, and Pineneedle, and as described and depicted on exhibit "A" attached hereto and made a part hereof, shall be permitted within a required front or side yard.

REFERENCE NOTE:

It should be noted that exhibit A is not set out at length herein but is on file and available for inspection in the office of the city secretary.

- (6) Customary home occupations.
- (7) Stables.



Piney Point Village, Texas Code of Ordinances Sec. 74-244

CODE OF ORDINANCES City of PINEY POINT VILLAGE, TEXAS Codified through Ordinance No. 2022.02.28, enacted February 28, 2022. (Supp. No. 9)

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§ Sec. 74-244 Regulations.

(a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).

(1) *Rear yard.* A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot.

(2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:

- a. Located no less than ten feet from the side property line;
- b. Located within six feet of the main structure; and
- c. Screened so it cannot be viewed from the street.

(3) *Equipment/residential structures.* Air conditioning/heating equipment, swimming pool equipment and mosquito equipment are not allowed on any roof or front yard of any residential structure.

(4) *Generator.* The generator may only be located:

- a. On the ground;
- b. No less than ten feet from the property line; and
- c. At least five feet from the building.

No generator shall be located in front of the main structure. The generator must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to city approval design.

(b) *Height regulations.* Except as provided immediately below, or specifically permitted otherwise in this chapter:

(1) *Building or structure.* No building or structure, or any part thereof, shall exceed 35 feet in height above the natural grade of the existing lot (i.e., the grade at center of proposed building footprint after the lot has been cleared and before any other construction has begun); provided however, if the city requires that the base elevation of the first floor of any building or structure be raised above the natural grade in order to be in compliance with the city's flood prevention ordinance or other applicable city Code provision, then the height restriction provided for in this paragraph shall be measured from the base of the first floor. Chimneys and antennas shall be allowed not more than ten feet above the building.

Sec. 74-244 Regulations.

- (2) *Accessory building or structure in required yard.* No part of any accessory building or structure that is erected in any yard as required by subsection (c) shall:
- Exceed 20 feet in height above the adjacent natural grade, except for chimneys (the width of which shall not exceed six feet and the horizontal cross section of which shall not exceed 16 square feet), ordinary plumbing stacks, or antennas, which are not to exceed ten feet above the building;
 - Contain more than one story; or
 - Contain any part (other than chimneys, ordinary plumbing stacks, or antennas) which is higher than an imaginary line rising from a point beginning at ten feet high, ten feet from the property line and rising seven feet for each additional 12 feet from the property line.
- (3) *Accessory building, church and school.* No accessory building or structure, or any part thereof, shall exceed 35 feet in height.
- (4) *Yard lights.* Yard lights attached to vegetation are permitted without height limitation within any required yard; however, no light, if installed on any pole or other structure, shall exceed 25 feet in height. Gas or electric lights not exceeding eight feet in height are permitted in a required front yard.
- (5) *Fences.* As permitted in this section.

(c) *Area regulations; size of yards.*

- (1) *Front yard.* There shall be a front yard having a depth of not less than 50 feet; provided, however, front yards for Gingham Drive and Jan Kelly Lane shall have a depth of not less than 40 feet. Front yards for Surrey Oaks Lane, Dana Lane and 501, 502, 505, 510, 517, 518, 525, 526, 533, 534, 541 and 542 Lanecrest Lane shall have a depth of not less than 25 feet. Where all or part of a lot abuts on the turnaround portion of a cul-de-sac street, that portion of such lot fronting upon the turnaround portion of a cul-de-sac shall have a front yard depth of not less than 25 feet.
- (2) *Side yards.* There shall be two side yards on each lot, neither of which shall be less than 15 percent of the lot width at the building line; provided, however, in no event shall a side yard be less than 15 feet or be required to be more than 30 feet. Notwithstanding, Surrey Oaks Lane, Dana Lane and 501, 502, 505, 510, 517, 518, 525, 526, 533, 534, 541 and 542 Lanecrest Lane shall have a side yard setback of 10 feet.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet. Corner lots on the turnaround portion of a cul-de-sac shall have two rear yards.

(d) *Area regulations; size of lot.* No building shall be constructed on any lot that does not meet the following regulations;

- (1) *Lot area.* Lots will have not less than 40,000 square feet. The area of any portion of a private street or right-of-way of a private street shall not be considered as part of the lot for purposes of calculating lot size or building location.
- (2) *Lot width.* The width of the lot shall be not less than 100 feet at the front building line, nor shall its average width be less than 100 feet; however, if a lot abuts wholly upon the turnaround portion of a cul-de-sac, the lot width at the building line shall be not less than 50 feet, but the average lot width shall be not less than 100 feet.
- (3) *Lot depth.* The average depth of a lot shall be not less than 100 feet.

Lots that meet the foregoing requirements will be known as conforming lots. Lots that do not meet those requirements will be known as nonconforming lots.

(e) *Exceptions.* The regulations relating to minimum lot size, width and depth will not prohibit the erection of a single-family dwelling on a nonconforming lot if:

- (1) Such nonconforming lot or tract was established by legal subdivision after May 12, 1955, and such subdivision is reflected by plat duly approved by the planning and zoning commission of the city and recorded in the map records of the county pursuant to applicable state law.
- (2) A subdivision plat of such nonconforming lot is submitted to and approved by the planning and zoning commission of the city and duly recorded in the map records of the county pursuant to applicable state law.

Sec. 74-244 Regulations.

(f) *Standards for approval, Plats of nonconforming lots.* Subdivision plats for nonconforming lots must comply with all applicable platting requirements. If all applicable platting requirements are met, then:

(1) *Grandfathered lot.* A subdivision plat of a nonconforming lot or lots will be approved if such lot or tract (a) existed as a separate lot or tract of smaller size prior to May 12, 1955, as shown by a deed duly recorded in the deed records of the county before May 12, 1955, or on a plat duly approved and recorded in the map or deed records of the county before May 12, 1955, and has not been the subject of a plat or re-plat approved by the planning and zoning commission of the city since that time, and (b) has not come under common ownership with any adjoining lot since May 12, 1955; or

(2) *Conformity with existing development.* A subdivision plat of a nonconforming lot or lots may be approved if:

- a. No part of such lot or lots has been included in a legal subdivision described in subsection (e)(1) above (unless all of the lots to be created by the proposed subdivision plat are conforming lots);
- b. Each such nonconforming lot has at least 20 feet of frontage on a public street or lawfully existing private street;
- c. The lot area of each such nonconforming lot is equivalent to other lots on the public or lawfully existing private street that provides access to such lot;
- d. All public utilities and all other public infrastructure are in place to serve each such nonconforming lot;
- e. The development of a single-family dwelling on each such nonconforming lot would be consistent with the development scheme (existing on the date the application for subdivision plat is filed) for the adjacent neighborhood of which the nonconforming lot is a part; and
- f. The plat otherwise complies with applicable platting requirements.

As used herein, the phrase "neighborhood of which the nonconforming lot is a part" means all lots that both (i) lie adjacent to a street that is also adjacent to the nonconforming lot, and (ii) lie within 1,000 feet of the nonconforming lot.

A notice, setting forth the provisions and requirements of this section, will be filed of record in the real property records of the county.

(g) *Building area.* The building area, exclusive of driveways and uncovered walkways, shall not exceed 30 percent of the lot area, exclusive of roadway easements; and the building area, inclusive of all structures (including driveways, tennis or other play courts, uncovered walkways, all other structures and impervious surfaces), shall not exceed 50 percent of the lot area.

(h) *Impervious surface* shall be any material applied to the surface of land which does not permit the natural infiltration or passage of water into the ground.

(i) *Overhang into yard space.* No balcony, porch or eave of any kind may extend into or over any required yard or building line a distance of more than 36 inches.

HISTORY NOTE:

(Ord. No. 647, 3.2, 6-25-84; Ord. No. 811, 1, 7-28-97; Ord. No. 817, 1, 2-9-98; Ord. No. 818, 1, 2-9-98; Ord. No. 885, 22, 26, 8-26-02; Ord. No. 920, 1, 2, 9-27-04; Ord. No. 930, 1, 7-25-05; Ord. No. 933, 1, 9-26-05; Ord. No. 954, 1, 7-24-06; Ord. No. 961, 1, 9-25-06; Ord. No. 965, 1, 11-27-06; Ord. No. 992, 1, 7-28-08; Ord. No. 2011.10.24C, 1, 10-24-11; Ord. No. , 1, 10-24-16; Ord. No. , 1, 3-8-21)

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